

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
JEFFERSON RIVER BASIN (41G)  
PRELIMINARY DECREE

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CLAIMANT: Roberta R. Rawson; Thomas R. Rawson

**CASE 41G-0557-R-2023**  
41G 95624-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

**FINDINGS OF FACT**

1. Claim 41G 95624-00 appeared in the 41G Preliminary Decree with following Department of Natural Resources and Conservation ("DNRC") issue remark:

THE PRIORITY DATE IS IN QUESTION.

2. Claim 41G 95624-00 was claimed as a use right with a June 10, 1979 priority date. The Water Court adjudicates existing water rights, which are rights to the use of water that were put to use prior to July 1, 1973. A filing deadline was set for the claimants to provide evidence to establish the historically accurate priority date to resolve the issue remark. The Order stated that if no evidence was filed, claim 41G 95624-00 would be dismissed from the adjudication. Nothing was filed by the deadline.

4. Based on the information before the court, claim 41G 95624-00 was not put to use prior to July 1, 1973. Accordingly claim 41G 95624-00 should be dismissed from the adjudication.

### CONCLUSIONS OF LAW

1. A properly filed claim of an existing right or an amended claim of existing right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

2. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process.

3. If a claimant fails to comply with an Order issued by the Water Court in its review of issue remarks, including an Order issued by a Water Master appointed by the Court, the Court on its own initiative may amend or dismiss the claim to conform with information in the claim file or information obtained as part of the adjudication process. Section 85-2-248(9) MCA. The information before the court indicates that claim 41G 95624-00 should be dismissed from the adjudication.

### RECOMMENDATIONS

1. Claim 41G 95624-00 should be dismissed from the adjudication.

A Post Decree Abstract of Water Right Claim is served with the Report to confirm that the claim has been dismissed from the adjudication.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Roberta R. Rawson  
Thomas R. Rawson  
110 Edwards Addition  
Whitehall, MT 59759-8627

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:**      **41G 95624-00**    STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:**      **DISMISSED**

**Owners:**                      THOMAS R RAWSON  
   110 EDWARDS ADDITION  
   WHITEHALL, MT 59759 8627

   ROBERTA R RAWSON  
   110 EDWARDS ADDITION  
   WHITEHALL, MT 59759 8627

**Priority Date:**

**Type of Historical Right:**

**Purpose (use):**                      IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:**                      GROUNDWATER

**Source Type:**                      GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.